G. R. S. 58]

Previous references: (1923 Courts) File No. 62-23

Serial Nos. 1-4

Later references: preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Four

Part B for November 1924

SUBJECT

R/A subject nos-3 of June 1923 re disposal of cases in civil courts to civil disposals

Govt. No. 2647-508/20-11-24

To the Regr Civil Courts
Secy Nyasa
Lawyers Conference
Dy. Comr Kasama

Passed orders in the matter.

Mwanasuwanda Singai
26/11/24

5770
P

Protection—(Judicial)—contd.

No. 53.	Summary of Representation.
Disposal of cases in civil courts. Messrs. N. S. Nanjundaiya, H. Boranna, Hassan Taluk; Maralusiddappa and Rudrappa, Arsikere Taluk.	Of late, in civil courts, more attention is paid to the speedy disposal of cases than to giving sufficient consideration to the merits of the case. In many cases, the parties launch suits at heavy cost and dates are fixed for hearing such cases along with many more cases which may be posted for hearing on that date. If the parties do not take out summonses in time either through inconvenience or under the impression that the new case would not be taken up on that date on account of other cases, the judges dismiss such suits or pass decrees though there are other cases ready for hearing. Consequently, the parties will have to incur heavy loss and there will be no probability that the cost incurred by them would be recovered from the judgment debtor. It is prayed that instructions might be issued to the Judges not to take up unready cases, when there are ready cases posted for that day, and not to dismiss the unready ones unless they dispose of all the cases which might be ready for the hearing.

Rule?

*

This is one of the resolutions passed at the recent Lawyers Conference. The chief Court may be addressed in the matter.

CS 227-22.
Second number 1/5.

&

To a certain extent the grievance appears to be real, as remarked by the Govt in their views in connection with the increase in the number of refiled and remanded suits. The remedy proposed is, however, not suitable. Several cases are posted for a day & cannot be ready. This doesn't mean, that an old suit, in which default has been made several times, should be dismissed for default simply because some other case is ready. It must be left to the discretion of the Judge, and the discretion is rarely abused.

2215/23

G. R. S. III-2]

General and Revenue Secretariat.

5-770/P

CS File No. 62 of 19 July 24

Serial No.

RESOLUTION NO. IX. DISPOSAL FOR STATISTICS.

Cases are said to be summarily disposed of to swell disposals. Government have noticed this in their reviews, and the Chief Court have probably issued necessary instructions in this connection. A certain amount of discretion is to be left to the Judges to dispose of petty cases each day before taking up really contested ~~one~~ suits, in which a couple of witnesses alone, may take up the whole day.

Itd. C.A.G.19-5-23

Secy.

This is also one of the R.A subjects of June 1923. The R.A section may be requested to put up a copy of the Summary of representation together with a copy of the reply of Govt

(Sd) R.A. Section 18/8/25 Submitted.

Cas 2078

A copy of the discussions on the subject together with a copy of the reply of Govt thereon is put up.

Recd 21/8 (Sd)

Flag P

Accounts branch 21/8 (Sd) 21/8

As explained in the Govt the matter may be referred to the Chief Court again for opinion & action if necessary

(Sd) Secy)

Cas 278

NOTE—Contn. sheet.

5770 (3)
P

G. R. S. III-2.

General and Revenue Secretariat. | C/- File No. 62 of 1923 4

Serial No.

May be referred to the Chief Court
Pc 27/8

1543/29/8 1st Member) 29 cag 27.8.

Put up 3/9 Pc 4/9 cag 4/9

Sd. with a draft Issue
9/ Sd
5/9/23 cag 5/9
7

2 The Legal Remembrancer
No. P. 1524 of 8-9-23
forwards for consideration of the
Justices a copy of the Hon'ble Deputy's
report - the action proposed to be taken
in the matter

Sub A

NOTE—Contn. sheet.

57

4

C562-23-

1390/P

SUBJECT NO. 53.

Disposal of cases in civil courts.

Messrs. N. S. Nanjundaiya, H. Boranna, Hassan Taluk; Maralusiddappa and Rudrappa, Arsikere Taluk.

Summary of Discussion.—Of late, in civil courts, more attention is paid to the speedy disposal of cases than to giving sufficient consideration to the merits of the case. In many cases, the parties launch suits at heavy cost and dates are fixed for hearing such cases along with many more cases which may be posted for hearing on that date. If the parties do not take out summons in time either through inconvenience or under the impression that the new case would not be taken up on that date on account of other cases, the judges dismiss such suits or pass decrees though there are other cases ready for hearing. This is done to swell disposals. Cases in which steps are not taken are called first and disposed of, before attending to other suits. Consequently, the parties will have to incur fresh expense to get the cases restored. The Circular issued by the Chief Court is responsible for this state of affairs. Even when parties are suffering from plague, adjournments are refused. There are instances of cases being disposed of, even when the party is present but delays coming into the Court the moment his case is called. It is prayed that instructions might be issued to the Judges not to take up unready cases when there are ready cases posted for that day, and not to dismiss the unready ones unless they dispose of all the cases which might be ready for the hearing.

Reply of Government.—A hard and fast rule cannot be insisted upon to take up only ready cases first and the unready ones later on. The matter will be referred to the Chief Court again.

Ord

This has already been referred to the Chief Court. Their reply is awaited.

Reply may be awaited.

Cecy
29/9

Cecil
29/9/23

Curd

R. to issue on the 8th inst.

General and Revenue Secretariat.

Of File No. 62 of 1923-4.

1603

Serial No.	
3	From The Registrar Chief Court - Letter No 8, Dis (Cog) 1-10-24 States that there is no reason to believe that cases are being disposed of for statistical purposes as there are no complaints recently and that suitable notice will be taken in such cases after scrutiny of returns now appears. Submd for orders. We have to acknowledge and perhaps be informed that there are now no complaints in the matter and that the Chief Court will take suitable action during scrutiny of returns and appeals. 11.10.24 The Registrar in his letter states that there is no reason to believe that ~~the~~ cases are now disposed of merely for statistical purposes any more than formerly, that the Chief Court Circular is ~~working~~ being worked satisfactorily, and that suitable notice will be taken of cases disposed of merely for statistical purposes. The bare acknowledgment may perhaps be returned accordingly 1st Summary 28/12-10 9/11 12/10 18-10 10/11 NOTE—Contn. Sheet

2nd Civil Conference
5385
26.10.24

5
11/11

General and Revenue Secretariat.

File No. 62 of 1924

Serial No.

Submitted with draft

8/ 12/11/24 Approved 13/11 Secy

15/11 Secy

To the Regr. Chief Court 4
" Secy. Mysore Lawyers' Confce
Chitlapet Bangalore
" Dom. Branch for Communication to the R. Auditor
" No. P. 1647-50 dt 20-11-24.

With reference to resolution no X of the Mysore Lawyers' Confce. re Disposal for statistics (8(14) and R. A subject no 5-3 of June Session 1923 stated that Govt agree with the Chief Court that there is no reason to believe that cases are being disposed of merely for statistical purposes & that the Chief Court will be requested to take suitable notice of cases of flagrant disposals when such cases come to their knowledge.

NOTE—Contn. Sheet

Resolutions of the Mysore Lawyers' Conference passed on the 10th & 11th April 1923

C562-23-1

(10)

RESOLUTION No.X. DISPOSAL FOR STATISTICS.

That in the opinion of this Conference the prevailing practice of summarily disposing of cases on account of slight defaults on the part of litigants or on the ground of the parties not complying strictly with the rules in order to swell up figures for statistical purposes is calculated to cause grave hardship to the litigant public and this Conference, therefore, prays that instructions may be issued to Subordinate Courts - that such

P.T.D

procedure is to be adopted only in exceptional and extraordinary cases.

PROPOSER.Mr.R.Venkataramiah,

SECONDER.Mr.S.Venkateniah represented by

Mr.C.Krishna Rao of Tumkur.

Arguments urged in support of the proposition:-

1. Judges have to decide and not dispose of cases in some way or other. Substantial justice ought to be done in every case as far as possible.

2. The Chief Court circular only wanted to promote speedy disposal by preventing unnecessary adjournments and ensuring that a case should be heard on the date to which it is posted. but unfortunately this is not the way the directions in the Circular are observed in practice. In some Courts too many cases are still being posted to each day as many as 15 to 20. Most of them the oldest and part-heard cases though ready are adjourned and recent cases which are unready in which there is any slight default which affords scope for an easy and more or less summary disposal are taken up in preference to older cases. In some Courts such cases are placed at the top of the Cause List.

The Circular has apparently been misunderstood and some Judges seem to be intent only on showing good figures in their statistical reports.

There is in some places an abnorma in the number of Miscellaneous applications for setting aside orders passed for default. This fact supports the above inference.

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Resolution XI.

G. R. S. VI—G/32]

9

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the *191*

Date of issue 8-9-23

Signed by Mr. B.A.G

Section Revn

File No. 62-23

Serial No. 2

No. P/1544/Encl 2

To

The Regr Chief Court

Sir

I am directed to forward herewith for the consideration of the judges of the Chief Court a copy of Resolution re Disposal for Statistics passed by the Mysore Lawyers' Conference at their meeting held on the 10th & 11th April 1923 and also a copy of the Summary of discussion on Subject no 5 3rd re Disposal of cases in civil courts of the Mysore 1923 and to request you to kindly ~~proceed over~~ report for the information of Govt the action proposed to be taken in the matter.

cag 9/June/23

529

5/9/23

18139

1603
P W

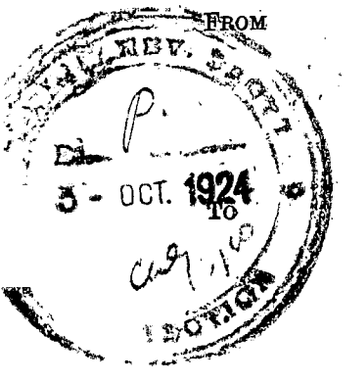
CHIEF COURT OF MYSORE

Telegraphic Address. "JUSTICE"

Bangalore, dated 1st October 1924.

Ab 62-23-3.

D. Dis No. 109
24-25



FROM

A. SREENIVASARAGAVACHARI, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. Nagappa, Esq., Bar-at-Law,
Secretary to Government of Mysore,
Local and Legislative Departments,
Bangalore.

Sir,

In continuation of my letter ROC.No.438 of 24-25 dated the 18th September 1924 and with reference to your letter No.P. 1544/Cts. 62-23-2 dated the 8th September 1923 forwarding for the consideration of the Judges of the Chief Court a copy of Resolution regarding disposal for Statistics, passed by the Mysore Lawyers' Conference of 1923 and also a copy of the Summary of Discussion on the Representative Assembly Subject No.53 of June 1923 regarding ~~the~~ disposal of cases in Civil Courts and requesting to report the action proposed to be taken by the Chief Court in the matter, I am directed to state that the resolution referred to passed by the Mysore Lawyers' Conference contains not quite accurate statements. There is no reason to believe that cases are now being disposed of merely for statistical purposes any more than formerly, and as admitted in the resolution, the Chief Court Circular aimed only to ensure that cases should be heard on the dates to which they are posted. Although in the commencement the circular was not fully understood and worked in proper spirit, yet as more experience was gained in its working, there were practically no complaints. Suitable notice will however be taken by the Chief Court of cases of flagrant disposals for statistical purposes by a scrutiny of the returns and while dealing with appeals against

orders

orders of dispos[illegible] in lower courts and at the time of inspection of the Subordinate Courts.

I have the honour to be,

Sir,

Your most obedient servant,

Theeniosadopaoocha
2/10/24

REGISTRAR.

4 2

G.R..S VI G 34]

SUBJECT

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, *the* *192*

Date of issue 20/11/24

Signed by W. [illegible]

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section C6

File No. 62-23

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Resolution of the Mysore Lawyers' Conference passed on the 10th and 11th April 1923 re the disposals of cases ~~for statistics~~ in civil courts for purposes of statistics.

2. Subject no 53 of June session of R.A of 1923 re the disposal of Cases in civil Courts to work disposals.

3. Letters for Secrecy ending with letter no. D, Dis 109/24-5 dt 1.10.24 ~~Order Thereon~~ No. from the Registrar, Bhuj. Court in the matter.

order. 2647-50

Govt agree with the Bhuj Court that there is no reason to believe that cases are now being disposed of merely for statistical purposes

Bhuj 9.4.24

15

[illegible] the Chief Constable [illegible]
[illegible], understood [illegible]
It is now [illegible] a Contractor.
~~Chief Constable to Notice~~
~~and that such Notice to be~~
~~Notice of Cases to be sent to [illegible]~~
~~for Statistical purposes~~

2. The Chief Constable will however be requested to take suitable notice of cases of flagrant disease for Statistical purposes when such cases come to their knowledge.

13/4 Sent
A. A. Secy

To Medical Officer
The Secy informs Surgeon Commander Blackett Bayntun
a Deputation has been appointed for communication
with Home Office also moved the Subject.
Copy to R. H. Scott
12/11/24
Noted
13/4

List of enclosures.

Copied by

Examined by

WD 1883—GPB—1,000,00—21-12-21